

WEATHER FORECAST.

Fair to-day; to-morrow increasing cloudiness; not much change in temperature. Highest temperature yesterday, 74; lowest, 55. Detailed weather reports will be found on Editorial page.

VOL. LXXXV.—NO. 220—DAILY.

NEW YORK, THURSDAY, APRIL 7, 1921.

ENTERED AS SECOND CLASS MATTER, POST OFFICE, NEW YORK, N. Y.

PRICE TWO CENTS

THREE CENTS WITHIN 500 MILES FOUR CENTS ELSEWHERE

KILLED ELWELL, PAID BY WOMAN, A MAN CONFESSES

Roy Harris, Arrested in Buffalo, Says He and Wm. Dunkin Did Job on Promise of \$5,000.

RECEIVED ONLY \$500

Mrs. Fairchild, Suspect Tells Police, Let Him Into New Yorker's Flat to Slay Victim.

CHAUFFEUR GO-BETWEEN

Said He Was Looking for Persons for Some Work and Introduced Pair to Woman Who Hired Them.

Roy Harris, who said that he formerly had been engaged in the brokerage business in New York with his brother-in-law, was arrested in Buffalo last night on a charge of forgery, and after persistent questioning by the Buffalo detectives broke down and made a signed confession that he was implicated in the murder of Joseph Bowne Elwell, in the Elwell home, in 244 West Seventh street, on the morning of June 11.

Over the long distance telephone early this morning Capt. Murray of the Buffalo Police Department said Harris broke down only after several hours of questioning by the Captain and Detectives Fred Howell and William J. Flynn, and signed the confession. He named William Dunkin as the actual murderer and said that the crime had been committed at the request of a Mrs. Fairchild, who promised them \$5,000 for the job.

Capt. Murray said over the telephone that Harris was not a drug addict and that he was inclined to place full reliance in the man's story. Another thing that appears to corroborate the man's confession is the fact that he tallies almost exactly, even to a scar on the left side of his face, with the description of the man who, according to Assistant District Attorney Smith, is the man the District Attorney's office and the Police Department have been looking for for some time as the murderer of Elwell, or at least one of the men implicated in the plot to kill the whist expert.

The fact that such a man was being sought never before had become known.

Held for New York Authorities.

The story told to Capt. Murray and Detectives Howell and Flynn never has before come out in connection with the Elwell case, but, nevertheless, Capt. Murray and the detectives were so impressed with it that they at once notified the New York Police Department by telegram and will hold Harris until he is sent for by the authorities here.

Capt. Murray said that Harris told them he did not know Elwell personally, but that he committed the murder because he was in need of money, and it appeared to him to be an excellent opportunity to make \$5,000. He said that he and Dunkin were walking along Broadway one night when they were accosted by a chauffeur known to them as Jerry and said by Harris to be well known in the Tenderloin district of New York.

This chauffeur, Harris said, asked them if they were doing anything and they were fixed financially. Harris and Dunkin said that they were broke and would welcome an opportunity to make money, and did not care particularly how they made it. Jerry then told them that he had a passenger that wanted some work done, and that she would pay them well, although it would be a dangerous job. At this time, they told the Buffalo officials, the car driven by Jerry, a limousine, was standing at the curb. Jerry was in the limousine of a chauffeur for a private family.

Harris said that Jerry conducted them to the limousine, and they got inside, while Jerry climbed to the front seat and started the machine. There was a woman in the compartment, and as it rolled up the street the woman told Harris and Dunkin that she was Mrs. Fairchild and that she was possessed of much money.

Woman Offers Good Pay.

"There is something I want done," she said, "and I will pay well."

"Well do it," Harris said that he and Dunkin replied.

"No matter what it is?"

"We don't care what it is," Harris said they told her. "We are broke and must have some money."

The woman then told them that she wanted Elwell killed, Harris said, and that he and Dunkin, although they had anticipated that she wanted them to commit some crime, had no idea that she had intended that they should murder any one. They balked at the moment, Harris said, and then

Mount Vesuvius Again in Violent Eruption

By the Associated Press.

NAPLES, April 6.—Mount Vesuvius is in active eruption. The eruption is the most violent that has occurred in fifteen years. It is being accompanied by impressive internal rumblings. Dense clouds of smoke, mixed with flames, form a majestic but alarming picture. Many American tourists have been attracted by the spectacle, but are prevented from approaching the crater by the shower of hot ashes and cinders and the movement of molten lava.

Thousands of lives were lost in the Vesuvius eruption of 1906, which was at its worst during the second week in April when several large towns were completely destroyed by the flow of lava, which went further down the southern slope than at any time since the seventeenth and eighteenth centuries. Thousands of acres of cultivated land were ruined. The eruption of 1906 lasted more than a week. Since 1906 disturbances have occurred almost annually.

\$20,000 ROBBERY IN NEWARK PLANT

Three Masked Men Hold Up Man and Woman in Jewelers' Office.

\$500 CASH FROM VICTIM

Police Fail to Find Clue After Talking With Several Persons Near Scene.

Three masked and armed men in Newark last night held up and robbed Harry Heyman, member of the firm of Heyman Brothers, manufacturing jewelers at 123 Oliver street, Newark, and Miss Gussie Lerner, a bookkeeper. They took \$20,000 worth of diamonds and jewelry from the safe in the place and \$500 worth of uncut diamonds and \$500 in cash from Heyman's pockets. They also took a ring valued at \$25 and a gold wrist watch valued at \$50 from Miss Lerner, who fainted when the men thrust revolvers in her face. She missed the ring and the watch when she recovered.

The robbery, according to Heyman, occurred a few minutes after 8 o'clock, when he and Miss Lerner were taking stock in the office on the second floor of the building.

"I heard a knock on the door and when I opened it I found myself looking into the muzzle of a revolver, held by a man with a white handkerchief over his face," said Heyman to the police.

"In a low voice the man said 'Throw up your hands' and I did so. Miss Lerner was busy and did not notice the man back me against the wall as two other armed and masked men entered the place."

"Two of these men went over to where she was working and when she saw their revolvers she fell to the floor in a faint."

"Out of the corner of my eye, while backed against the wall, I saw the men remove trays of diamonds and jewelry from the safe and place them in a receptacle that had a white handkerchief over his face," said Heyman to the police.

"The men then went through my clothing, took what uncut stones I had and all my cash. Then they removed the ring from Miss Lerner's finger and took her wrist watch, after which they cut the telephone wires and fled from the place." Heyman was able to give a brief description of the leader of the robbers, and said he had just a "fleeing glance" of the others.

The police immediately began an investigation and from Heyman learned that he had a \$20,000 burglary insurance policy. The police say that on March 15, 1920, Heyman reported that a safe in the premises had been opened and \$15,000 taken.

A man and a woman who claimed to have been sitting on a stoop across the street from the Heyman Building last night about the time the robbery occurred were unable to throw any light on the identity of the robbers. They said they had seen no one enter or leave the building about that time.

Frankie, who works on a garden in the rear of the plant the police were unable to get any information. They could not remember having seen any strangers about.

SIX DEAD IN WRECK AND MANY INJURED

Royal Palm Limited in Crash at New River, Tenn.

SOMERSET, Ky., April 6.—Two persons were killed and thirty injured, four fatally, in a wreck of the Royal Palm Limited, northbound, on the Southern Railway at New River, Tenn., this afternoon.

One died on the train and in a hospital here. Others of the injured are not expected to live.

The unidentified dead include a little girl, a woman and a man. Three cars were overturned and three sleeping cars derailed.

The Royal Palm Limited runs from Jacksonville, Fla., to Chicago. Through sleepers for Indianapolis, Toledo, Detroit and Chicago are carried.

STOP FIRE IN TOKIO BY HOUSE WRECKING

Thousand Refugees Are Quarantined in a Park.

TOKIO, April 6.—A fire which broke out to-day in the Asakusa section of Tokyo was brought under control after the firemen had resorted to the method of tearing down a ring of houses around the affected district. A number of children were injured as they fled from a burning city.

To-night a thousand refugees are quarantined in the Asakusa Park, the temples and school houses.

THERE is a letter about Country Board advertisements in The Herald on the West side, page 10, and 11.

ENRIGHT BEGINS DRASTIC EFFORT TO MAKE CITY DRY

Special Detail Invades the Theatre District and Makes 14 Arrests on First Night.

MANY PLACES CLOSED Board of Estimate Asked for Yearly Appropriation of \$2,500,000 for 1,000 More Policemen.

WANTS \$100,000 EXPENSES

Commissioner Leach Also Intimates a Concerted Attempt to Prevent Home Brew Making.

More than two hundred detectives specially detailed by Police Commissioner Richard E. Enright went to work last night to enforce the new prohibition laws which became effective on Monday when Gov. Nathan L. Miller signed the Mullan-Gable bills, and to carry out the Commissioner's expressed intention of subjecting New York city to a drying process more extensive than has ever been dreamed of by dry law advocates. It was the first night of Police Department enforcement of the new State laws, and the detectives spread terror and consternation throughout the whole of the wet belt from the Battery to the furthest reaches of Harlem.

Up to midnight the detectives had made fourteen arrests, mostly in the Third Inspection district, which includes the theatrical district and portions of lower Washington Heights. The managers, waiters or owners of such well known restaurants as the Pre-Catalan Cafe, in 110 West Thirty-ninth street; Mario's, in 257 West Fifty-second street; the Chat Restaurant, in 242 West Fifty-second street, and Mollet's, in 114 West Forty-ninth street, were among the prisoners, all of whom were taken to the West Forty-seventh street and West Sixty-eighth street stations. Several of them later were taken to Night Court and others were released in \$500 bail to appear in the West Side Court this morning. The manager of the Pre-Catalan, who gave his name as John M. Tierney, was discharged by Magistrate Schwab.

Many Closed Up Tight.

Most of the work of the detectives in the Tenderloin district was done between 11 and 12 o'clock. The word that the dry law men were abroad quickly spread throughout the whole of the theatrical district, and virtually all of the places that are known to have been frequented by the wet set and only the Government agents to cope with had closed up tight by midnight.

The owners of several of them declared that they did not intend to sell any more, as they could not hope to escape if the Police Department was going to take a hand in the enforcement of the dry laws. In all of the places entered last night none of the diners were disturbed. In most cases the detectives ordered liquor to be taken out of the place, and the waiter or owner or manager of the place under arrest and confiscated the liquor. The manager of the Pre-Catalan was arrested when detectives said they found a quart bottle of whiskey on the table.

Vincent Sardi of 318 West Fifty-sixth street, assistant waiter at Mario's, was arrested after detectives, according to their story, had found two barrels of wine in the basement.

Three Taken at Pier.

Henry Mollet, owner of the restaurant bearing his name, was accused by the police of having given wine to two girls, and Samuel Phillips, manager of the Chat, was said to have hidden liquor over his cash register. Most of the other arrests were of saloonkeepers and waiters, and three men arrested at Pier 40, North River, accused of having twenty-five gallons of alcohol in a wagon.

The orders for the Police Department to enforce the State dry laws were prepared on Tuesday night by Deputy Commissioner Leach and Acting Chief Inspector Leahy, and were sent to the inspectors by Commissioner Enright late yesterday afternoon. The inspectors then transmitted them to the captains of the precincts, and although they were not read to the details of patrolmen and detectives the whole force was instructed to proceed at once to enforce the new laws.

The Commissioner also announced that department rules 123 and 141, promulgated when William J. Gaynor was Mayor, had been abrogated. These were the "outward order and decency" rules, and had the effect of preventing patrolmen and detectives from entering saloons to make arrests, because they provided that policemen must observe violations of the liquor laws from the outside of saloons and if possible must get a witness to corroborate their evidence.

Asks \$2,500,000 for Police.

The Commissioner also said that on Tuesday he sent a request to the Board of Estimate for a yearly expenditure of \$2,500,000 to provide the appointment of 1,000 additional patrolmen, and also asking for an appropriation of \$100,000 for expenses in connection with the enforcement of the State dry laws. These matters probably will come up for consideration before the board at the regular April meeting. If the request is granted the city will have to raise special revenue bonds to pay the bill.

Commissioner Enright told a reporter for THE NEW YORK HERALD yesterday, "I am confident that the new laws will be enforced."

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U. S. ATTACKS ALLIED MANDATES AS INVALID EXCEPT WHEN AMERICAN ASSENT IS GIVEN; KNOX PEACE BILL TO PASS EARLY IN SESSION

FRANCE REGARDS YAP CASE BINDING

Unable to See How Decisions on That and San Remo Oil Can Be Reopened.

TO HOLD DIRECT PARLEYS

French Reply Will Lay Stress on American Observer's Presence at Council Table.

By LAURENCE HILLS.

Special Cable to THE NEW YORK HERALD. Copyright, 1921, by THE NEW YORK HERALD. New York Herald Bureau, Washington, D. C., April 6.

The French Government intends to enter immediately into direct conversations with the Washington Administration regarding the controversy over the island of Yap, the mandate for which was assigned to Japan by the allied Supreme Council. In these negotiations France will not act through the Supreme Council but separately, believing that the question has assumed such importance, as indicated in the American note received here, that Franco-American relations, whose maintenance on the most friendly footing is vital to France, are affected.

A note will be despatched soon in which the Washington Administration will be asked to be more precise on certain particulars, and especially on the point it has stressed that it was not consulted when the question of the mandate for the island of Yap was settled by the Allies, and also as to the San Remo oil agreement. It was indicated to THE NEW YORK HERALD correspondent to-day that France was unable to accept as yet the American argument in this connection, but was desirous of a free exchange of views before determining her position, which is made delicate by her relations with Great Britain and her own share in the San Remo oil accord.

The French reply to the American note, it was indicated, will advance the argument that no important decision was taken by the Supreme Council without the presence of an American observer in the meeting, who the Allies had a right to believe, would naturally voice any American objections. This question seems to involve the presence of Robert Underwood Johnson, American Ambassador to Italy, at the San Remo meeting of the Allies under orders from President Wilson, behind which the Allies are now seeking refuge and, in fact, threaten to bring up the whole peculiar relationship of these "observers."

The French Government does not see how these decisions by the Allies can be reopened, although it is willing to accept the principle that no future decisions will be taken without consultation with America.

Although according to the expressed request by the Washington Administration not to publish the American note textually, the Government here gave out to-day a complete summary of the document, which amounted to almost the same thing. This summary lays emphasis on that part of the note which expresses confidence that the allied action was a result of a misunderstanding and that the Supreme Council's decision in connection with the island of Yap would be revised. Also that it stressed the statement that while the United States was not seeking rights superior to or exclusive of those of other Powers, she considered that she had given up any of her rights or interests and could not consider the validity of the mandates to Japan.

Non-Partisans Swamp Milwaukee Socialists Mrs. Victor Berger Only Winner in City Election

Special Despatch to THE NEW YORK HERALD. MILWAUKEE, April 6.—The Non-Partisan League ticket swamped the Socialists in the school board and judicial elections here yesterday. Mrs. Victor Berger being the only Socialist elected. She was chosen a member of the School Board, while the Non-Partisans elected an Alderman at large and five judges.

The defeat was the most decisive sustained by Socialists here and Victor L. Berger since the party came into power in 1916. In that year the Socialists elected Emil Seidel as Mayor, but yesterday Seidel ran for Alderman at Large against John McKinley and made a poor showing.

Women voters are given the credit for the victory of the Non-Partisans. They voted in this State for the first time last fall and defeated every Socialist candidate for county offices.

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AMERICAN RIGHTS BASED ON VICTORY

Virtually Identical Notes Sent to Allies Say U. S. Will Yield None of Them.

FORCEFUL IN STATEMENT

Disposal of German Possessions in North Pacific to Japan Held Unwarranted.

Special Despatch to THE NEW YORK HERALD.

New York Herald Bureau, Washington, D. C., April 6.

The United States has informed the allied Powers that it will yield none of its rights won in the victory over Germany, and especially will not countenance the inclusion of Yap in a Japanese mandate for the former German islands of the South Pacific. The position of this Government is made clear in practically identical notes which Secretary of State Hughes sent on Monday to Japan, Great Britain, France and Italy. Secretary Hughes made public to-day the text of the note to the British Government. The Japanese note differs in form to the extent of referring to previous correspondence between the two governments, but in substance and outside of these references is the same as the notes sent to the other governments.

While not connected in any way with the visit of Rene Viviani, special French envoy, the timing of these notes to the allied governments is regarded as a clear advertisement of what the United States regards as the prerequisite of any dealings with the allied Powers. Special reference is made to Yap, but the notes apply with equal force to the Mesopotamian mandate and the principle of mandates generally.

Moreover, the United States announces in polite but lucid language that it is determined to maintain its rights and in doing so never will yield to Japan the sole possession of the island of Yap.

The attitude of the United States brings it in direct opposition to Japan, which claims the island of Yap under the mandate, and also to Great Britain, France and, indirectly, Italy, together with the League of Nations, which granted the mandate.

The outstanding argument of Mr. Hughes's notes is that the right to dispose of Germany's overseas possessions was acquired as a result of the victory over Germany and that the United States participated in that victory. Accordingly, says Mr. Hughes, there could be no valid disposal of the Pacific islands without the assent of the United States, which never has been given.

The United States makes plain that it does not recognize the mandate rights of Japan over any of the North Pacific islands, and there is an indirect suggestion that this decision will stand unless the island of Yap is excepted. Furthermore, it insists upon American participation in the disposal of all mandates, a position calling for a reconsideration of what has already been done by the allied Powers.

The burden of the argument contained in Mr. Hughes's notes may be summed in his assertion that "it will not be questioned that one of the principal allied and associated Powers, in whose favor Germany renounces her rights and titles, is the United States."

DECIDE TO PASS MOVIE CENSORSHIP BILL

Taxes on New and Old Films Will Be Reduced.

Special Despatch to THE NEW YORK HERALD.

New York Herald Bureau, Albany, April 6.

At a conference of Republican legislators to-night it was decided to pass the Lusk-Clayton moving picture censorship bill. As a concession to the moving picture interests the tax on new films was cut from \$10 to \$5, on duplicate films from \$5 to \$3 and on old films from \$3 to \$2. A new provision will eliminate the tax on films for educational, religious and scientific purposes.

The conference also voted to pass Gov. Miller's State water power development bill. No action was taken on the repeal of the direct primaries law, continuation schools and reorganization of the farms and markets council.

Continued on Second Page.

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Text of United States Note Defining Its New Position

Special Despatch to THE NEW YORK HERALD.

Following is the text of the note sent to Great Britain, which is similar to those forwarded to France and Italy:

With respect to the mandate to Japan, purporting to have been confirmed and defined in its terms by the Supreme Council of the League of Nations, of the German possessions in the Pacific Ocean, lying north of the Equator, this Government deems it appropriate to state the fundamental basis of its representations and the principles which, in its view, are determinative.

It will not be questioned that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the allied and associated Powers, and it is also believed that there is no disposition on the part of the British Government to deny the participation of the United States in that victory. It would seem to follow necessarily that the right according to the allied and associated Powers through the common victory is shared by the United States and that there could be no valid or effective disposition of the overseas possessions of Germany, now under consideration, without the assent of the United States.

This Government must, therefore, point out that as the United States has never vested either the Supreme Council or the League of Nations with any authority to bind the United States or to act on its behalf, there has been no opportunity for any decision which could be deemed to affect the rights of the United States. It may also be observed that the right according to the United States through the victory in which it has participated could not be regarded as in any way ceded or surrendered to Japan, or to other nations, except by treaty, and that no such treaty has been made.

Provision in Treaty.

The fact that the United States has not ratified the treaty of Versailles cannot detract from rights which the United States has already acquired, and it is hardly necessary to suggest that a treaty to which the United States is not a party could not affect these rights. But it should be noted that the treaty of Versailles did not purport to secure to Japan or to any other nations any right in the overseas possessions of Germany, save as an equal right therein should be secured to the United States. On the contrary, Article 119 of the Treaty of Versailles provides:

"Germany renounces in favor of the principal allied and associated Powers all her rights and titles over her overseas possessions."

It will not be questioned that one of the "principal allied and associated Powers" in whose favor Germany renounced her rights and titles is the United States. Thus, not only could the position of the Government of Japan derive no strength from the Treaty of Versailles, but the position of the United States is confirmed by that treaty.

Further, the draft convention relating to the mandate for the German concessions in the Pacific Ocean north of the equator, which was subsequently proposed, proceeded in the same view, purporting, on behalf of the United States as one of the grantors, to confer the mandate upon Japan, thus recognizing the right and interest of the United States, and the fact that the proposed action could not be effective without the agreement of the United States as one of the principal allied and associated Powers.

As the United States did not enter into this convention or into any treaty relating to the subject, this Government is unable to understand upon what grounds it was thereafter attempted to confer the mandate without the agreement of the United States. It is manifest that the League of Nations was without any authority to bind the United States, and that the confirmation of the mandate in question, and the definition of its terms, by the Council of the League of Nations in December, 1919, cannot be regarded as having efficacy with respect to the United States.

Inaccurate in Its Terms.

It should be noted that this mandate not only violates Article 119 of the Treaty of Versailles, to the effect that "Germany renounced in favor of the principal allied and associated Powers all her rights over her overseas possessions, including therein the groups of islands in the Pacific Ocean lying north of the equator," but also recites that "the principal allied and associated Powers agreed that, in accordance with Article 23 of the Treaty of Versailles, the Government of the League of Nations should be conferred upon his Majesty the Emperor of Japan to administer the said islands, and have proposed that the mandate should be formulated," as set forth. While this last quoted recital, as has already been pointed out in previous communications by this Government, is inaccurate in its

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terms, inasmuch as the United States, as one of the principal and associated Powers, had not so agreed and proposed the recital again recognizes the necessity of the participation of the United States in order to make the proposed disposition effective.

As, in the absence of any treaty with the United States relating to the matter, there was no decision on May 7, 1919, binding the United States, it is deemed to be unnecessary again to examine the brief minutes of the meeting of the Supreme Council on that date. It may, however, be proper to say that the minutes of this meeting, although obviously without any finality, could not properly be construed without due regard to the other proceedings of the Supreme Council and without taking account of the reservations which President Wilson had already made in the previous meetings of the Supreme Council on April 21, April 30 and May 1, 1919.

President Wilson's Attitude.

The attitude of President Wilson is sufficiently shown by the following statement which he made to the Department of State on March 3, 1921:

"I beg to return the note received yesterday from the Japanese Government, which I have read, in relation to the proposed mandate covering the island of Yap."

"My first information of a contention that the so-called decision of May 7, 1919, by the council of four assigned to Japan a mandate for the island of Yap, was conveyed to me by Mr. Norman W. Davis in October last. I then informed him that I had never consented to the assignment of the island of Yap to Japan."

"I had not previously given particular attention to the wording of the council's minutes of May 7, 1919, which were only recently called to my attention. I had on several occasions prior to the date mentioned made specific reservations regarding the island of Yap and had taken the position that it should not be assigned under mandate to any one Power, but should be internationalized for cable purposes. I assumed that this position would be duly considered in connection with the settlement of the cable question and that it therefore was no longer a matter for consideration in connection with the peace negotiations. I never abandoned or modified this position in respect to the island of Yap, and I did not agree on May 7, 1919, or at any other time, that the island of Yap should be included in the assignment of mandates to Japan."

"As a matter of fact, all agreements arrived at regarding the assignment of mandates were conditional upon a subsequent agreement being reached as to the specific terms of the mandates, and further, upon their acceptance by each of the principal allied and associated Powers. The consent of the United States is essential both as to assignments of mandates and the terms and provisions of the mandates, after agreement as to their internationalization or allocation."

"The consent of the United States, as you know, has never been given on either point, as to the island of Yap."

Cession of Rights Denied.

Apart from the expressed purpose of President Wilson in relation to the island of Yap, inasmuch as the proceedings of the Supreme Council on May 7, 1919, did not, and in the nature of things could not, have finality, this Government is unable to perceive any grounds for the contention that it was the duty of this Government to make immediate protest with respect to the so-called decision of May 7, 1919, and certainly it cannot be said that an omission to do so operated as a cession of its rights. It may be added, however, that when the matter was brought to the attention of this Government in connection with conference on communications in October last, Secretary Hughes informed the Government of Japan and other governments (by notes of November 9, 1920) that it was the understanding of this Government that the island of Yap was not included in the action of May 7, 1919. Its position was subsequently stated at length.

It is a cause of regret to this Government that after and despite this protest there should have been any attempt to pass upon drafts of mandates purporting to deal with the Pacific Islands, including Yap, and that a mandate should have been approved, or attempted to be put into effect, which, while purporting to be made in the name of the United States, was without the assent of the United States. This Government trusts that this action, which it must assume was taken under a misapprehension, will be reconsidered.

In particular, as no treaty has ever been concluded with the

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